

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Flavin,

Civil No. 12-1060 (RHK/TNL)

Plaintiff,

ORDER

v.

Stearns County Jail,

Defendant.

Based upon the June 1, 2012, Report and Recommendation of United States Magistrate Judge Tony N. Leung, together with all the files, records and proceedings herein, and no objections to said Recommendation having been filed, **IT IS ORDERED:**

1. The Report and Recommendation (Docket No.12) is **ADOPTED**;
2. Plaintiff's Application to Proceed In Forma Pauperis (Doc. No. 2) is **DENIED**;
3. Defendant's Motion to Dismiss (Doc. No. 5) is **DENIED AS MOOT**; and
4. This action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: July 24, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge